IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

Patrick Hugh Ronald Morrison, PATRICK HUGH MORRISON®,

Civil No. 05-1380-AS

Petitioner,

v.

ORDER TO RE-OPEN CASE AND TO PROCEED IN FORMA PAUPERIS

MAX WILLIAMS, "d.b.a." Director, The Oregon Department of Corrections, et al.,

Respondent.

KING, Judge.

Plaintiff, an inmate at the Snake River Correctional Institution, brings this habeas corpus action pursuant to 28 U.S.C. § 2254 pro se. On September 13, 2005, this court entered an order denying Petitioner's application to proceed in forma pauperis and giving Petitioner 30 days to file an amended application. On October 21, 2005, this court issued an Order and Judgment dismissing this action on the basis that Petitioner

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failed to file an amended application to proceed in forma pauperis within the time provided. That same date, however, Petitioner filed a document entitled "Objection to court deceptive tactics/complying with of court's order." Attached thereto is an amended application to proceed in forma pauperis, which cures the defects noted in the September 13, 2005, order. Also, on November 3, 2005, Petitioner filed a Motion to Vacate the order and judgment of dismissal.

Accordingly, IT IS ORDERED Petitioner's motion to vacate (#10) is GRANTED, the October 21, 2005, Order (#7) and Judgment (#8) of dismissal are hereby WITHDRAWN, and the Clerk of the Court is DIRECTED to re-open this action.

A review of the amended application to proceed in forma pauperis reveals that petitioner is unable to afford the costs of this action. Accordingly, IT IS FURTHER ORDERED that the amended application (#11) is GRANTED. The petition may go forward without the payment of fees or costs.

IT IS FURTHER ORDERED that Petitioner's "Motion for Status of Case" (#9) is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 4th day of November, 2005.

_____/s/ Garr M. King
Garr M. King
United States District Judge